

**APPEAL  
to the  
FEDERAL COMMUNICATIONS COMMISSION**

**CC Docket No. 02-6**

<b>Re: Appellant Name:</b>	<b>Northwest Arctic Borough School District</b>
<b>Billed Entity No.:</b>	<b>145645</b>
<b>Funding Year 2008:</b>	<b>07/01/2008-06/30/2009</b>
<b>Funding Commitment Decision Letter for Form 471 Application No.:</b>	<b>632553</b>

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**I. INTRODUCTION**

Pursuant to 47 C.F.R. § 54.719(c), the Northwest Arctic Borough School District (the "District") appeals to the FCC from the Universal Service Administrative Company, Schools & Libraries Division ("SLD") Funding Commitment Decision Letter for Funding Year 2008, dated March 10, 2009.<sup>1</sup> This appeal is based on SLD's decision to deny the District's Funding Year 2008 funding requests for Internet Access, as represented in the Form 471 identified above. SLD's denial of funding is based on the District's failure to provide scored selection worksheets in the vendor selection process. Specifically, SLD found the District did not adhere to the District's own criteria in the vendor selection process. The SLD did not allege any violation of SLD rules.

Several significant errors by SLD, in violation of decisions by this Commission, require remand with an Order that funding be reinstated. SLD erroneously failed to consider clarifying evidence presented by the District. SLD

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<sup>1</sup> Exhibit A.

denied funding based on a procedural error when all substantive programmatic requirements had been met. Finally, SLD's denial of funding works an undue and unnecessary hardship on the District and its students.

## **II. FUNDING DENIAL AND REASONS THEREFORE**

The Funding Commitment Report issued for Funding Request Numbers 1748697, 1748741, 1748747, 1748767, 1748773, 1748649 and 1748670, contains the following explanation for the denial of funding:

The winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. Although price was given the highest weighting, the vendor selection worksheets provided were not scored for each vendor against the criteria indicated in your evaluation criteria and process provided in a prior response. You did not adhere to your own criteria in the vendor selection process.<sup>2</sup>

The District had previously received a separate letter from SLD dated October 15, 2008, regarding the vendor selection worksheets.<sup>3</sup> That letter was not a denial but a request for further information as to why funding should not be denied. The request stated:

Based on the documentation you provided during the Selective Review, FRN's 1748697, 1748741, 1748747, 1748767, 1748773, 178649 and 1748670 under Form 471 application #632553 will be denied because the winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. Although price was given the highest weighting, completed vendor selection worksheets were not provided in your response, which would indicate how each vendor was evaluated against the established criteria. You did not adhere to your own criteria in the vendor selection process. Applicants must select the most cost-effective provider of the

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<sup>2</sup> Exhibit A at pp. 7, 8, 9, 10, 11, 12 and 13, respectively.

<sup>3</sup> Exhibit B.

desired products or services eligible for support, with price as the primary factor.

If the FRN should not be denied and you have alternative information, please provide the supporting documentation.<sup>4</sup>

In response, the District provided SLD with supporting documentation that the most cost-effective provider was selected. This documentation included the notes from the Technology Committee responsible for reviewing the vendor proposals,<sup>5</sup> and the affidavit of committee member Eugene Smith.<sup>6</sup> Additionally, the District offered to provide the affidavits of all committee members, but SLD never responded to this offer of evidence.<sup>7</sup> The information provided proves the District selected the most cost-effective provider and adhered to the core program guidelines of competitive bidding. While the information was not provided in the form of a scoring matrix, this is a procedural error rather than a substantive one. As such, the harsh remedy of a complete denial of funding is unwarranted and erroneous.

### III. FACTUAL BACKGROUND

#### A. The District's Application and Selective Review

The District's Form 471 Application Number 632533 was selected by the Program Integrity Assurance (PIA) team for Cost Effectiveness Review. A letter sent to the District on October 15, 2008, requested additional information from the District to ensure that funding was not denied.<sup>8</sup>

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<sup>4</sup> Exhibit B.

<sup>5</sup> Exhibit C.

<sup>6</sup> Exhibit D.

<sup>7</sup> Exhibit E.

<sup>8</sup> Exhibit B at 1.

As set forth above, the District responded to the request for additional information by providing the notes of the Technology committee members who reviewed the proposals, and the affidavit of Eugene Smith indicating the District followed the established criteria of selecting the most cost-effective provider. On March 10, 2009, the District received a Funding Commitment Decision Letter denying \$1,858,890.00 in funding. The failure of the District to provide scored selection worksheets was the basis of the denial.<sup>9</sup>

**B. Information provided by the District to SLD**

A three-member committee of the District met to review and analyze the proposals received by the District from GCI, AT&T Alascom, and DRS Technologies. (Smith Aff. ¶ 3) GCI was the existing provider. The process was described as both lengthy and deliberate, with each proposal being read and discussed by the committee. (Smith Aff. ¶ 6) The committee members understood the requirements as set forth in Form 470 requiring the selection committee to select the bid that is the “most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals.” (Smith Aff. ¶ 7)

In construing what would be the most cost-effective means of meeting educational needs, the selection committee considered “reliability and response time,” “infrastructure,” “Record of support and service,” “confidence” in the vendors, and “Educational Application of Technology.” (Smith Aff. ¶ 8) The notes of the

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<sup>9</sup> Exhibit A at pp. 7, 8, 9, 10, 11, 12 and 13, respectively.

committee reflect a review of the pricing structure of each proposer and further reflect that price was the primary factor. (Smith Aff. ¶ 9) After careful review and discussion of all proposals, the committee determined the “price differential [was not] enough to warrant a change” from GCI to a different provider. (Smith Aff. ¶ 9)

While the District has been unable to locate any scoring matrix utilized by the committee during the review and selection process, the committee was unanimous in its decision to continue with GCI. (Smith Aff. ¶¶ 10 and 11) The committee reached this decision after recognizing that GCI’s pricing was not as low as AT&T Alascom, but, after careful consideration of the educational needs and technology goals of the District, determined these factors outweighed the price differential. (Smith Aff. ¶ 11) Furthermore, the District offered to provide affidavits of all committee members testifying to the same selection process as discussed in Mr. Smith’s affidavit.<sup>10</sup>

#### IV. DISCUSSION

As discussed below, the District complied with programmatic requirements regarding the selection and award of its Internet Access provider. Indeed, SLD does not assert that any program rules were violated but relies solely on an alleged violation by the District of its own procedures. This procedural variation, though, did not result in a failure by the District to comply with core program requirements, nor with the substantive components of its vendor selection process.

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<sup>10</sup> Exhibit E.

**A. Price, Alone, Need Not be the Determinative Factor in Vendor Selection**

The District's consideration of relevant and proper criteria in addition to price complied with core program requirements for the competitive bidding process. In its recent *Long Beach* Order,<sup>11</sup> the FCC noted the applicable criteria in awarding a competitive bid:

(1) functionality (i.e., whether the proposal was a viable solution); (2) whether the proposal was the best value to the district; and (3) previous experiences with the vendor.<sup>12</sup>

The Long Beach Unified School District provided documentation demonstrating that after review and discussion by the district, the vendor selected was the only one to meet the requirements, educational needs, and technological goals that the district had established.<sup>13</sup> The FCC determined that the district used "price as a primary consideration (and then) selected the vendor that offered the most cost-effective offering."<sup>14</sup> The FCC concluded that "Long Beach's competitive bidding process did not violate program rules."<sup>15</sup> The FCC also emphasized there was "no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements."<sup>16</sup>

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<sup>11</sup> In the Matter of Requests for Review of the Decisions of the Universal Service Administrator by Long Beach Unified School District, CC Docket No. 02-6, SLD-367394 et. al. at para. 7 (Rel. June 20, 2007)("the Service Order").

<sup>12</sup> *Id.* at para. 8.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at para. 9.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* The FCC also stated that the Order would "have minimal effect on the overall federal Universal Service Fund, because the monies needed to fund these appeals have already been collected and held in reserve." *Id.*

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The District has likewise made a conscientious effort to ensure the most cost-effective provider of services was selected. (Smith Aff. ¶ 12) The committee did use price as a primary consideration but after using additional criteria, determined the most cost-effective provider was GCI. (Smith Aff. ¶ 11) The Technology Committee notes illustrate the District's concern not only with price but also with the committee's findings with respect to other relevant components pertinent to the contract award. The additional criteria used by the District are analogous to those used by Long Beach. Specifically, the Technology Committee had a deliberate discussion about reliability and response time, infrastructure, the record of support and service, confidence in the vendors, and educational application of technology. (Smith Aff. ¶ 8)

The appropriate consideration of these factors led to the conclusion that after "a review of the pricing structure of each proposer, and the committee's understanding that '[p]rice differential isn't enough to warrant a change,'" GCI should continue to be awarded the vendor contract. (Smith Aff. ¶ 9) Most importantly, the District concluded the "educational application of technology [was a] prominent component of GCI's proposal."<sup>17</sup> The District concluded that there were "no notable improvements [in the other applicant's services and]... GCI is viable."<sup>18</sup> After considering the factors of price, infrastructure, and the educational application of technology, the District awarded the contract to GCI."<sup>19</sup>

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<sup>17</sup> *Id.*

<sup>18</sup> Exhibit C at p. 1.

<sup>19</sup> *Id.*

In addition, as in the *Long Beach* case, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements by the District. Nor did SLD make such claims in its funding denial. “The essence of the competitive bidding process is that applicants will select service providers independently, based on the merit of their proposals, without any undue influence from service providers.”<sup>20</sup> Here there is no claim of undue influence or other improper factors that would render the process invalid. Indeed, neither of the other two applicants protested the award to GCI. The District “fairly and responsibly performed its responsibilities independently and objectively.” (Smith Aff. ¶ 12)

As demonstrated, the District’s selection process complied with the “essence of the competitive bidding process.”<sup>21</sup> It is this essence—this substantive compliance—that compels funding of the District’s request. As set forth below, SLD’s refusal to fund based on a procedural variation in the selection process runs afoul of FCC precedent.

## **B. Strict Adherence to the Bidding Process is Not Required**

SLD has turned a procedural error of failing to complete a scoring matrix into a death knell for necessary funding relied upon by this rural Alaska school district and its students. As the FCC has routinely recognized, “many E-rate program beneficiaries, particularly small entities, contend that the application process is complicated, resulting in a significant number of applications for E-rate support

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<sup>20</sup> In the Matter of Requests for Review of the Decisions of the Universal Service Administrator by Hispanic Information and Telecommunications Network, CC Docket No. 02-6, SLD-194580 et. al. para. 8 (Rel. October 30, 2008)(“the Service Order”).

<sup>21</sup> *Id.*



being denied for ministerial, clerical or procedural errors.”<sup>22</sup> In such instances, the FCC has found that denials of the underlying applications are not warranted when the “violations at issue are procedural, not substantive.”<sup>23</sup>

The FCC’s determination to distinguish between the types of error involved is not surprising in light of the dictates of The Communications Act of 1934. This Act directs the FCC to “enhance ... access to advanced telecommunications and information services for all public and non-profit elementary and secondary school classrooms.”<sup>24</sup> A denial of funding based on a procedural error, rather than a substantive error, “inflict(s) undue hardship on the applicants.”<sup>25</sup> In this case, denying the District funding based on a procedural error of failing to provide a scoring matrix, while the District continued to meet the essence of the competitive bid process, would work an undue hardship on the District that would defeat the purpose of section 254(h) of the Communications Act.

While the FCC has not directly considered the failure of a district to provide a scoring matrix to SLD, it has considered the failure of a district to provide Requests For Proposals (RFP).<sup>26</sup> In the *Approach Learning and Assessment Center Order*, North American Family Institute (“NAFI”) did not provide an RFP to SLD as

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<sup>22</sup> In the Matter of Requests for Review of the Decisions of the Universal Service Administrator by Archer Public Library, CC Docket No. 02-6, SLD 140961 et. al. para. 7 (Released October 30, 2008)(“the Service Order”).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at para. 8.

<sup>25</sup> *Id.*

<sup>26</sup> In the Matter of Requests for Review of the Decisions of the Universal Administrator by Approach Learning and Assessment Center, CC Docket No. 02-6, SLD 140957 et. al. para. 1 (Released March 23, 2007)(“the Service Order”).

required by program guidelines.<sup>27</sup> NAFI, however, was able to provide SLD with the information that would have been reported on the RFP, such as “local telephone numbers, spending per location, and number of cell phones required within 24 hours.”<sup>28</sup> The FCC found that although NAFI did not provide the RFP, there was:

no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. We recognize that competitive bidding requirements are necessary to ensure more efficient pricing for telecommunications and information services purchased by schools and libraries, by minimizing the amount of support needed. In this case, however, rigid adherence to the rule does not further the purposes of the statutory goal mandated by Congress of preserving and advancing universal service among schools and libraries.<sup>29</sup> (emphasis added)

Similarly, the FCC recently granted appeals where petitioners failed to include specific information in their Form 470 about whether they were posting a multi-year contract or a contract with a renewal provision.<sup>30</sup> Because the schools did not include this information, USAC determined the E-rate applications had not been subjected to the competitive bidding process.<sup>31</sup> The FCC, however, concluded that failure to provide this information was not a violation of the competitive bidding process.<sup>32</sup> The FCC found that a failure to provide certain information is not necessarily a violation of the competitive bidding process if that information was not required at

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<sup>27</sup> *Id.* at para. 10.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at para. 11.

<sup>30</sup> In the Matter of Requests for Review of the Decisions of the Universal Administrator by Albert Lea Area Schools, et al., CC Docket NO. 02-6, SLD-517274, et al., at para. 10 (Rel. April 14, 2009) (the “Service Order”).

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

the time.<sup>33</sup> While it is a requirement that the competitive bidding process be followed and that certain criteria be considered, there is no requirement that the process be documented in a specific manner.

The FCC discussed factors which do give rise to a violation of the competitive bidding process.<sup>34</sup> Those factors include not giving notice to providers so they can bid, failing to post notice, unilaterally entering into an agreement with a provider, or failing to disclose the types of services sought by the district, thereby preventing service providers from properly bidding on a request.<sup>35</sup>

There are no such allegations here. The District provided notice to service providers for bidding and disclosed all services the District needed. The District received bids from three separate providers. The District evaluated each provider according to approved criteria and selected the provider which could best meet the needs of the District. The lack of a specific document does not negate these facts. The propriety of the process must be gleaned from the entirety of the record and that record supports funding.

The District's Contract Proposal Evaluation form lists several criteria in evaluating a bid.<sup>36</sup> The evaluation criteria set forth in the District's Proposal are the types of criteria explicitly approved by the FCC in determining compliance with the

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<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at para. 15.

<sup>35</sup> *Id.*

<sup>36</sup> Exhibit F.

competitive bidding process.<sup>37</sup> Even the Funding Commitment Report states that “price was given the highest weighting.”<sup>38</sup> The question is not whether the competitive bidding process was followed; but rather, in what manner was the competitive bidding process documented?

Here, the District did not provide a copy of the scoring matrix to SLD just as an RFP was not provided in the *Approach Learning and Assessment Center Order*. Nonetheless, as demonstrated by the District in the information provided to SLD, the criteria of the scoring worksheets, along with price, were considered by the committee. Instead of documenting this process on the worksheets themselves, they were documented in the notes of the Technology Committee and through the deliberative discussions of that body. The District’s ability to provide evidence and testimony that the scoring matrix was followed should stand in lieu of the District providing the scoring matrix itself. To deny funding for a contract which was competitively awarded because the process was memorialized in the margins of notes instead of circling numbers on a worksheet, exemplifies the FCC’s concern that strict adherence to the rules can work an evil rather than a good.<sup>39</sup>

The omission of a scoring matrix is a procedural error, not a substantive one. As demonstrated above, the District has complied with the essence of the competitive

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<sup>37</sup> In the Matter of Requests for Review of the Decisions of the Universal Service Administrator by Long Beach Unified School District, CC Docket No. 02-6, SLD-367394 et. al. at para. 7 (Rel. June 20, 2007)(“the Service Order”).

<sup>38</sup> Exhibit A at pp. 7, 8, 9, 10, 11, 12 and 13, respectively.

<sup>39</sup> In the Matter of Requests for Review of the Decisions of the Universal Administrator by Approach Learning and Assessment Center, CC Docket No. 02-6, SLD 140957 et. al. para. 11 (Released March 23, 2007) (“the Service Order”).

bidding process. Moreover, neither of the two unsuccessful proposers protested the award to GCI. Yet, despite these facts, the entirety of Internet Access funding has been denied.

### C. Undue Hardship

Failure to receive these funds would have a significant, detrimental impact on the District and its students. The District is in a remote area of Alaska providing the only Internet access for a largely Alaskan Native population. On numerous occasions, the FCC has granted waivers of its rules and procedures to ensure both that the spirit of the law is served and that needy school districts receive access to telecommunications:

Moreover, we find that denying petitioner's requests would create undue hardship and prevent these otherwise eligible schools and libraries from receiving funding that they need to bring advanced telecommunications and information services to their students and patrons. By contrast, waiving . . . our rules to the limited extent necessary . . . will further the goal of section 254 of the Act – ensuring access to discounted telecommunications and information services to schools and libraries – and therefore serve the public interest.<sup>40</sup>

A denial of funds to the District would create an undue hardship for the District and the students it serves.

## V. CONCLUSION

SLD's decision to deny funding is in opposition to the FCC's rulings which make it clear that as long as it can be demonstrated that the competitive bidding process was followed, and that there is no evidence of fraud or misuse, funding for

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<sup>40</sup> In the Matter of Requests for Review of the Decisions of the Universal Service Administrator by Academy of Excellence, et al., CC Docket No. 02-6, SLD-261209, et. al., at para. 9 (Rel. May 8, 2007)(the "Service Order").

school districts should be granted. The District has demonstrated, through its own materials, that the competitive bidding process was followed. A denial of funding to the District would be contrary to previous FCC decisions and work an undeniable and substantial hardship on rural Alaskans. The District asks the FCC to review the information before it and remand to the SLD with a direction that funds for Funding Year 2008 be approved.

DATED at Anchorage, Alaska, this 7<sup>th</sup> day of May, 2009.

JERMAIN, DUNNAGAN & OWENS, P.C.  
Attorneys for Appellant NWABSD

By: 

Saul R. Friedman



**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2008: 07/01/2008 - 06/30/2009)

March 10, 2009

Judy Richards  
NORTHWEST ARCTIC BORO SCH DIST  
PO BOX 51  
KOTZEBUE, AK 99752-0051

Re: Form 471 Application Number: 632553  
Billed Entity Number (BEN): 145645  
Billed Entity FCC RN: 0011806395  
Applicant's Form Identifier: 02062008TelcoInet

Thank you for your Funding Year 2008 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$127,225.69 is "Approved."
- The amount, \$1,858,898.00 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - Form 471 Application Number 632553 as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 2008," AND

- The exact text or the decision that you are appealing.
- 3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
- 4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
- 5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Road  
P.O. Box 902  
Whippany, NJ 07981

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
Universal Service Administrative Company



FUNDING COMMITMENT REPORT  
Billed Entity Name: NORTHWEST ARCTIC BORO SCH DIST  
BEN: 145645  
Funding Year: 2008

Comment on RAL corrections: The Form 471, Block 1 was modified in accordance with applicants request.

Form 471 Application Number: 632553  
Funding Request Number: 1748245  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 195050000658188  
SPIN: 143002701  
Service Provider Name: OTZ Telephone Cooperative, Inc.  
Contract Number: T  
Billing Account Number: 9074423472  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2008  
Service End Date: 06/30/2009  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1015301  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$128,353.80  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$128,353.80  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$110,384.27 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: MR1: The dollars requested were reduced to remove the ineligible product(s)/service(s) non-published listings, non-recurring charges, residential lines, missing bill. <><><><><> MR2: The FRN was modified from \$11,500/month to \$10,696.15/month to agree with the applicant documentation.

FCDL Date: 03/10/2009

Wave Number: 042

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT  
Billed Entity Name: NORTHWEST ARCTIC BORO SCH DIST  
BEN: 145645  
Funding Year: 2008

Comment on RAL corrections: The Form 471, Block 1 was modified in accordance with applicants request.

Form 471 Application Number: 632553  
Funding Request Number: 1748475  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 195050000658188  
SPIN: 143011150  
Service Provider Name: Dobson Cellular Systems, Inc.  
Contract Number: MTM  
Billing Account Number: 9074423472  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2008  
Service End Date: 06/30/2009  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1015301  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$7,500.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$7,500.00  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$6,450.00 - FRN approved as submitted

FCDL Date: 03/10/2009  
Wave Number: 042  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT  
Billed Entity Name: NORTHWEST ARCTIC BORO SCH DIST  
BEN: 145645  
Funding Year: 2008

Comment on RAL corrections: The Form 471, Block 1 was modified in accordance with applicants request.

Form 471 Application Number: 632553  
Funding Request Number: 1748489  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 195050000658188  
SPIN: 143001199  
Service Provider Name: GCI Communication Corp  
Contract Number: T  
Billing Account Number: 9074423472  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2008  
Service End Date: 06/30/2009  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1015301  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$7,934.16  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$7,934.16  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$6,823.38 - ERN approved; modified by SLD  
Funding Commitment Decision Explanation: MR1: The dollars requested were reduced to remove the ineligible product(s)/service(s) payphone surcharges. <><><><><> MR2: The ERN was modified from \$11,500/month to \$661.18/month to agree with the applicant documentation.

FCDL Date: 03/10/2009  
Wave Number: 042  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT  
Billed Entity Name: NORTHWEST ARCTIC BORO SCH DIST  
BEN: 145645  
Funding Year: 2008

Comment on RAL corrections: The Form 471, Block 1 was modified in accordance with applicants request.

Form 471 Application Number: 632553  
Funding Request Number: 1748515  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 195050000658188  
SPIN: 143005617  
Service Provider Name: Alascom Inc  
Contract Number: MTM  
Billing Account Number: 9074423472  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2008  
Service End Date: 06/30/2009  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1015301  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$4,148.88  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$4,148.88  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$3,568.04 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: MR1: The dollars requested were reduced to remove the ineligible product(s)/service(s); regulatory fee. <><><><><> MR2: The FRN was modified from \$375/month to \$345.74/month to agree with the applicant documentation.

FCDL Date: 03/10/2009

Wave Number: 042

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010.

FUNDING COMMITMENT REPORT  
Billed Entity Name: NORTHWEST ARCTIC BORO SCH DIST  
BEN: 145645  
Funding Year: 2008

Comment on RAL corrections: The Form 471, Block 1 was modified in accordance with applicants request.

Form 471 Application Number: 632553  
Funding Request Number: 1748649  
Funding Status: Not Funded  
Category of Service: Internet Access  
Form 470 Application Number: 195050000658188  
SPIN: 143001199  
Service Provider Name: GCI Communication Corp  
Contract Number: SA-262  
Billing Account Number: 9074423472  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2008  
Service End Date: N/A  
Contract Award Date: 02/06/2008  
Contract Expiration Date: 06/30/2011  
Shared Worksheet Number: 1015450  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$840,000.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$5,000.00  
Pre-discount Amount: \$845,000.00  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$0.00 - Selective - Contract Violation  
Funding Commitment Decision Explanation: DR1: The winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. Although price was given the highest weighting, the vendor selection worksheets provided were not scored for each vendor against the criteria indicated in your evaluation criteria and process provided in a prior response. You did not adhere to your own criteria in the vendor selection process.

FCDL Date: 03/10/2009

Wave Number: 042

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT  
Billed Entity Name: NORTHWEST ARCTIC BORO SCH DIST  
BEN: 145645  
Funding Year: 2008

Comment on RAL corrections: The Form 471, Block 1 was modified in accordance with applicants request.

Form 471 Application Number: 632553  
Funding Request Number: 1748670  
Funding Status: Not Funded  
Category of Service: Internet Access  
Form 470 Application Number: 195050000658188  
SPIN: 143001199  
Service Provider Name: GCI Communication Corp  
Contract Number: SA-262  
Billing Account Number: 9074423472  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2008  
Service End Date: N/A  
Contract Award Date: 02/06/2008  
Contract Expiration Date: 06/30/2011  
Shared Worksheet Number: 1015301  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$101,400.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$500.00  
Pre-discount Amount: \$101,900.00  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$0.00 - Selective - Bidding Violation  
Funding Commitment Decision Explanation: DR1: The winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. Although price was given the highest weighting, the vendor selection worksheets provided were not scored for each vendor against the criteria indicated in your evaluation criteria and process provided in a prior response. You did not adhere to your own criteria in the vendor selection process.  
FCDL Date: 03/10/2009  
Wave Number: 042  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT  
Billed Entity Name: NORTHWEST ARCTIC BORO SCH DIST  
BEN: 145645  
Funding Year: 2008

Comment on RAL corrections: The Form 471, Block 1 was modified in accordance with applicants request.

Form 471 Application Number: 632553  
Funding Request Number: 1748697  
Funding Status: Not Funded  
Category of Service: Internet Access  
Form 470 Application Number: 195050000658188  
SPIN: 143001199  
Service Provider Name: GCI Communication Corp  
Contract Number: SA-262  
Billing Account Number: 9074423472  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2008  
Service End Date: N/A  
Contract Award Date: 02/06/2008  
Contract Expiration Date: 06/30/2011  
Shared Worksheet Number: 1015461  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$84,000.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$500.00  
Pre-discount Amount: \$84,500.00  
Discount Percentage Approved by the USAC: 80%  
Funding Commitment Decision: \$0.00 - Selective - Bidding Violation  
Funding Commitment Decision Explanation: DR1: The winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. Although price was given the highest weighting, the vendor selection worksheets provided were not scored for each vendor against the criteria indicated in your evaluation criteria and process provided in a prior response. You did not adhere to your own criteria in the vendor selection process.

FCDL Date: 03/10/2009

Wave Number: 042

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT  
Billed Entity Name: NORTHWEST ARCTIC BORO SCH DIST  
BEN: 145645  
Funding Year: 2008

Comment on RAL corrections: The Form 471, Block 1 was modified in accordance with applicants request.

Form 471 Application Number: 632553  
Funding Request Number: 1748741  
Funding Status: Not Funded  
Category of Service: Internet Access  
Form 470 Application Number: 195050000658188  
SPIN: 143001199  
Service Provider Name: GCI Communication Corp  
Contract Number: SA-262  
Billing Account Number: 9074423472  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2008  
Service End Date: N/A  
Contract Award Date: 02/06/2008  
Contract Expiration Date: 06/30/2011  
Site Identifier: 16026859  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$84,000.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$500.00  
Pre-discount Amount: \$84,500.00  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$0.00 - Selective - Bidding Violation  
Funding Commitment Decision Explanation: DR1: The winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. Although price was given the highest weighting, the vendor selection worksheets provided were not scored for each vendor against the criteria indicated in your evaluation criteria and process provided in a prior response. You did not adhere to your own criteria in the vendor selection process.

FCDL Date: 03/10/2009

Wave Number: 042

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010



FUNDING COMMITMENT REPORT  
Billed Entity Name: NORTHWEST ARCTIC BORO SCH DIST  
BEN: 145645  
Funding Year: 2008

Comment on RAL corrections: The Form 471, Block 1 was modified in accordance with applicants request.

Form 471 Application Number: 632553  
Funding Request Number: 1748747  
Funding Status: Not Funded  
Category of Service: Internet Access  
Form 470 Application Number: 195050000658188  
SPIN: 143001199  
Service Provider Name: GCI Communication Corp  
Contract Number: SA-262  
Billing Account Number: 9074423472  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2008  
Service End Date: N/A  
Contract Award Date: 02/06/2008  
Contract Expiration Date: 06/30/2011  
Site Identifier: 16026861  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$84,000.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$500.00  
Pre-discount Amount: \$84,500.00  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$0.00 - Selective - Bidding Violation  
Funding Commitment Decision Explanation: DR1: The winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. Although price was given the highest weighting, the vendor selection worksheets provided were not scored for each vendor against the criteria indicated in your evaluation criteria and process provided in a prior response. You did not adhere to your own criteria in the vendor selection process.  
FCDL Date: 03/10/2009  
Wave Number: 042  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT  
Billed Entity Name: NORTHWEST ARCTIC BORO SCH DIST  
BEN: 145645  
Funding Year: 2008

Comment on RAL corrections: The Form 471, Block 1 was modified in accordance with applicants request.

Form 471 Application Number: 632553  
Funding Request Number: 1748767  
Funding Status: Not Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 195050000658188  
SPIN: 143001199  
Service Provider Name: GCI Communication Corp  
Contract Number: SA-262  
Billing Account Number: 9074423472  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2008  
Service End Date: N/A  
Contract Award Date: 02/06/2008  
Contract Expiration Date: 06/30/2011  
Shared Worksheet Number: 1015450  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$840,000.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$5,000.00  
Pre-discount Amount: \$845,000.00  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$0.00 - Selective - Bidding Violation  
Funding Commitment Decision Explanation: DR1: The winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. Although price was given the highest weighting, the vendor selection worksheets provided were not scored for each vendor against the criteria indicated in your evaluation criteria and process provided in a prior response. You did not adhere to your own criteria in the vendor selection process.

FCDL Date: 03/10/2009  
Wave Number: 042  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

FUNDING COMMITMENT REPORT  
Billed Entity Name: NORTHWEST ARCTIC BORO SCH DIST  
BEN: 145645  
Funding Year: 2008

Comment on RAL corrections: The Form 471, Block 1 was modified in accordance with applicants request.

Form 471 Application Number: 632553  
Funding Request Number: 1748773  
Funding Status: Not Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 195050000658188  
SPIN: 143001199  
Service Provider Name: GCI Communication Corp  
Contract Number: SA-262  
Billing Account Number: 9074423472  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2008  
Service End Date: N/A  
Contract Award Date: 02/06/2008  
Contract Expiration Date: 06/30/2011  
Shared Worksheet Number: 1015301  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$39,900.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$3,500.00  
Pre-discount Amount: \$43,400.00  
Discount Percentage Approved by the USAC: 86%  
Funding Commitment Decision: \$0.00 - Selective - Bidding Violation  
Funding Commitment Decision Explanation: DRI: The winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. Although price was given the highest weighting, the vendor selection worksheets provided were not scored for each vendor against the criteria indicated in your evaluation criteria and process provided in a prior response. You did not adhere to your own criteria in the vendor selection process.

FCDL Date: 03/10/2009

Wave Number: 042

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2010

Date: 10/15/2008

Dear Robin Gage

Applicant Name: Northwest Arctic Boro Sch Dist

Contact Phone Number: (907) 442-3472

Application Number: 632553

**Response Due Date: 10/30/2008**

The Program Integrity Assurance (PIA) team is in the process of reviewing all Funding Year 2008 Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. We are currently in the process of reviewing your Funding Year 2008 Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below.

**I.**

Based on the documentation you provided during the Selective Review, FRN's 1748697, 1748741, 1748747, 1748767, 1748773, 1748649 and 1748670 under Form 471 application #632553 will be denied because the winning vendor was not selected in accordance with the process listed in the vendor selection documentation provided during the review. Although price was given the highest weighting, completed vendor selection worksheets were not provided in your response, which would indicate how each vendor was evaluated against the established criteria. You did not adhere to your own criteria in the vendor selection process. Applicants must select the most cost-effective provider of the desired products or services eligible for support, with price as the primary factor. For additional guidance on vendor selection, please refer to the USAC website at <http://www.usac.org/sl/applicants/step04/>.

If the FRN should not be denied and you have alternative information, please provide the supporting documentation.

**Please fax or e-mail the requested information to my attention, Damini Patel.** If you have any questions, please feel free to contact me.

It is important that we receive all of the information requested **within 15 calendar days** so we can complete our review. **Failure to respond may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible.**

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s); along with the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

**Date Sent: 10/15/2008**

**Date due for items requested: 10/30/2008**

Thank you for cooperation and continued support of the Universal Service Program.

Sincerely,

*Damini Patel*

- ⇒ Local Rep improves reliability & response time
- ⇒ Infrastructure - no noticeable improvements observed with ATT
  - ⇒ GCI is viable
- ⇒ Power Differential Int'l Engr to warrant a change
- ⇒ Record of Support & Service - Historically GCI has provided for NW Arctic
- ⇒ Tech Committee's Conclusion is in GCI
- ⇒ Educational Application of Technology is prominent component of GCI's Proposal

	OTZ Hub		
	GCI Opt 3*	ATT*	DRS
Circuit	5,100	4,736	8,495
District Total (Monthly)	<u>51,000</u>	48,360	84,950
	ANC Hub		
	GCI Opt 2	ATT	DRS
Circuit	7,000	6,858	8,195
District Total (Monthly)	<u>94,600</u>	82,559.02	106,535
Set Up Fees	GCI OTZ		50,000
	ATT OTZ		13,840
	DRS OTZ*		89,500
Set Up Fees	GCI ANC		65,000
	ATT ANC		12,596
	DRS OTZ		89,500

Expense - GCI  
 Bond - GCI  
 Program - GCI

94,600  
 51,000  
\$145,600

EXHIBIT C

Page 1 of 1

## Affidavit of Eugene Smith

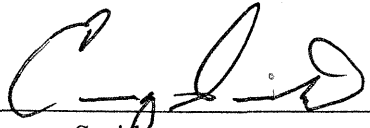
Eugene Smith, being first duly sworn under oath states as follows:

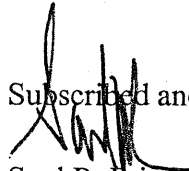
1. I am a member of the Northwest Arctic Borough School District Board of Education.
2. This Affidavit is being prepared in response to the letter from Damini Patel of the Schools and Libraries Division dated October 15, 2008. The letter requested "alternative information" relating to the School District's Funding Year 2008 Form 471 Application. Specifically, this Affidavit relates to the selection of GCI Communication Corp. as the District's provider of combined internet and telecommunications services.
3. I was one of the three members of the selection committee that reviewed and analyzed the proposals received by the District from GCI, AT& T Alascom, and DRS Technologies.
4. The other two members of the selection committee were Brad Reich and Raymond Woods. Both Mr. Reich and Mr. Woods are also members of the Northwest Arctic Borough School District's Board of Education.
5. After the three proposals were received by the District, the three of us met in Kotzebue, Alaska for the purpose of reviewing and analyzing the proposals and selecting the successful vendor.
6. The process was lengthy and deliberate. Each proposal was read and discussed.
7. As set forth in the Form 470 relating to the requested services, the selection committee understood that "...the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals."
8. The notes of the selection committee meeting that have already been provided to the SLD reflect that the discussion included "reliability and response time", "infrastructure", "Record of support and service", "confidence" in the vendors, and "Educational Application of Technology.
9. The notes most importantly reflect a review of the pricing structure of each proposer, and the committee's understanding that price was the primary factor. The notes state that "Price differential isn't enough to warrant a change." The "change" was from GCI, the then current provider of services, to one of the other proposers.
10. The District has been unable to locate any scoring matrix utilized by the Committee during the selection process. I cannot recall filling out a scoring matrix. I understand that the lack of a scoring matrix means that the District cannot provide important documentation as to the fairness of the selection process.
11. However, the selection committee was unanimous in its decision to continue with GCI. The Committee reached that decision after recognizing that GCI's pricing was not as low as AT&T Alascom, but weighing price against the content of each proposal as it related to

the educational needs and technology goals of the District. It was clear to the Committee that the other factors far outweighed the price differential.

12. I believe that the Committee fairly and responsibly performed its responsibilities, independently and objectively. I truly wish that the Committee could provide SLD with a scoring matrix. I respectfully request that this deficiency in the process be waived based upon what I have stated under oath above.

Dated this 24<sup>th</sup> day of October, 2008.

  
\_\_\_\_\_  
Eugene Smith

  
Subscribed and Sworn before me this 24<sup>th</sup> day of October, 2008, in Kotzebue, Alaska.  
Saul R. Friedman  
Notary Public for the State of Alaska  
My commission expires: 10-27-2009

October 24, 2008

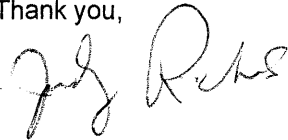
Damini Patel  
PIA Cost Effectiveness Reviewer  
Schools and Libraries Division  
Program Integrity Assurance  
email: dpatel@sl.universalservice.org

Re: Application number 632553

Dear Damini,

In reply to your letter, dated October 22, 2008, I am faxing you an affidavit of Eugene Smith as additional documentation. The other two board members are also willing to sign an affidavit if you wish. They both currently out of town.

Thank you,



Judy Richards  
Director of Instructional Tech and IS  
Northwest Arctic Borough School District  
P.O. Box 51  
Kotzebue, Ak. 99752  
(907) 442-3472 ext. 223

EXHIBIT E  
Page 1 of 1



## NWABSD E-Rate Contract Proposal Evaluation

Vendor: \_\_\_\_\_ Service Type: \_\_\_\_\_ Date: \_\_\_\_\_  
Internet/DL/Phone

Proposals made by vendors responding to the District's E-Rate Form 470, will be evaluated to ascertain which vendor's proposal best meets the needs of the District. Proposals will be evaluated and ranked on the basis of the following criteria:

### 1. Project Understanding

Weight 10 Points

Proposal addresses the project in terms of the scope of work and substantive issues essential to proper execution of the work.

Circle Score: 1 2 3 4 5 6 7 8 9 10

### 2. Methodology

Weight 5 Points

Proposal includes a detailed description of services to be provided and any constraints as to procedure, time, personnel, equipment, etc., that need to be communicated to the District for use during contract negotiations. Includes an overview of the service provider's organization and processes that have bearing on proposed services.

Circle Score: 1 2 3 4 5

### 3. Design and Technical Execution

Weight 20 Points

Proposal includes information about the design's technical ability to provide an effective and cost-efficient telecommunication solution. Describes the make/model, software, and capabilities of on-site and off-site equipment. Includes resources available to achieve the project, and any concepts or innovations in design that have proven effective in the past that would be applicable to the project. Identifies where similar installations are in place and the contact person and phone number for verification.

Technical design: 1 2 3 4 5

Equipment capabilities: 1 2 3 4 5

Resources: 1 2 3 4 5

Innovations: 1 2 3 4 5

Circle Score: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

### 4. Services and Support

Weight 15 Points

Proposal describes the access and application services provided. Identifies the service levels included in the access. (Internet/Distance Learning Proposals: Application services include email, web hosting, content filtering, security, caching, and additional features). The proposal outlines the type of source services and Help-Desk available, which include phone-based support, hours of availability and technical level.

Internet access service levels: 1 2 3 4 5

Application services: 1 2 3 4 5

Technical support services: 1 2 3 4 5

Circle Score: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15

**5. Experience****Weight 10 Points**

Proposal demonstrates the provider's ability to deliver comparable services to similarly sized customers with parallel needs.

Circle Score: 1 2 3 4 5 6 7 8 9 10

**6. Proposed Staff Qualifications and Experience****Weight 5 Points**

Information provided provides at minimum a resume of key personnel who would have major responsibilities for performance of the services required. Individual's professional registration (as applicable) is demonstrated.

Circle Score: 1 2 3 4 5

**7. Proposed Installation and Operational Delivery****Weight 5 Points**

Proposal defines the operational delivery date of the proposed service. The operational delivery date meets the needs/expectations of the District.

Delivery date is defined and meets needs:

Circle Score: 1 2 3 4 5

**8. Charges/Cost to Include****Weight 25 Points**

Evaluate the monthly recurring and non-recurring charges and installation fees.

Determine the flexibility of the contractor to provide services at the estimated E-Rate subsidized level for the portion of the funding year prior to the actual receipt of approved E-Rate funding commitments.

Total Monthly Recurring Charges: 1 2 3 4 5 6 7 8 9 10

Total Installations Costs: 1 2 3 4 5

Percent of monthly recurring charges to 1 2 3 4 5 6 7 8 9 10

be subsidized by the contractor prior to

receipt of E-Rate funding commitments:

Circle Score: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22  
23 24 25

**9. Billing Statements****Weight 5 Points**

Proposal clarifies invoicing and availability of single point of contact for billing issues.

Ensure the willingness of contractor to provide discounted billing.

Circle Score: 1 2 3 4 5

Reviewer	Overall Score

**APPEAL  
to the  
FEDERAL COMMUNICATIONS COMMISSION**

**CC Docket No. 02-6**

**Re: Appellant Name:** Northwest Arctic Borough School District  
**Billed Entity No.:** 145645  
**Funding Year 2008:** 07/01/2008-06/30/2009  
**Funding Commitment Decision Letter for Form 471 Application No.:** 632553

---

**ENTRY OF APPEARANCE**

Saul R. Friedman of Jermain, Dunnagan & Owens, P.C., hereby enters his appearance in the above-styled action on behalf of the Northwest Arctic Borough School District. It is requested that copies of all documents be served on the undersigned at:

Saul R. Friedman  
Jermain, Dunnagan & Owens, P.C.  
3000 A Street, Suite 300  
Anchorage, AK 9503-4097  
Phone: (907) 563-8844  
Fax: (907) 563-7322  
Email: sfriedman@jdolaw.com

DATED at Anchorage, Alaska, this 7<sup>th</sup> day of May, 2009.

JERMAIN, DUNNAGAN & OWENS, P.C.  
Attorneys for Appellant NWABSD

By: 

Saul R. Friedman

LAW OFFICES OF  
JERMAIN DUNNAGAN & OWENS  
A PROFESSIONAL CORPORATION  
3000 A STREET, SUITE 300  
ANCHORAGE, ALASKA 99503  
(907) 563-8844  
FAX (907) 563-7322

